

OFFICIAL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Rhoads

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Art Unit 2714 (new)

Application No. 08/649,419 -

FEB 23 1998

Filed: May 16, 1996

GROUP 2600

For: **METHODS FOR SURVEYING
DISSEMINATION OF PROPRIETARY
EMPIRICAL DATA (as amended)**

CERTIFICATE OF FAXING
I HEREBY CERTIFY THAT THIS PAPER IS BEING
FAXED TO THE US PATENT OFFICE (703) 308-5397,
on February 26, 1998

William Y. Conwell
William Y. Conwell
Attorney for Applicant

Examiner: Couso, J.

Date: February 26, 1998

LETTER REQUESTING INTERVIEW

The Examiner is formally requested to contact the undersigned attorney in order to arrange a telephonic interview. It is believed that a brief discussion of the February 23 Action will expedite prosecution.

In particular, the undersigned seeks clarification on (1) the subject matter found to be "new" in applicant's amendment to the specification; and (2) the amendment by applicant that prompted the finality of the February 23, 1998 Action.

On this latter point, the only amendment to an existing claim was the one-word substitution of "encoded" for "embedded" – an amendment that did not materially alter the meaning of the claim and did not prompt any different rejection. New dependent claims 12-19 simply parroted subject matter already claimed in claims 3-10, so no new matter was thereby introduced.

The final rejection raised – for the first time – a patent to Shear. It appears the rejection based on Shear should have been made in the first Action, and its new introduction in the final rejection effectively precludes applicant from addressing same.

This request is being submitted under MPEP § 713.01 and 713.09, which indicate that an interview after final may be arranged in advance by letter. It confirms a request left today on the Examiner's voice mail. The MPEP indicates that the interview should be granted unless the Examiner has a compelling reason to refuse such an interview.

Respectfully submitted,

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